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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/593,638

06/25/2007

Norio Yamamoto

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EXAMINER

HUGHES, JAMES P

ART UNIT

PAPER NUMBER

2883

MAIL DATE

DELIVERY MODE

12/24/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/593,638	<b>Applicant(s)</b> YAMAMOTO, NORIO	
	<b>Examiner</b> JAMES P. HUGHES	<b>Art Unit</b> 2883	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 September 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☒ Claim(s) 1-3 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 September 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>092106</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Claim Objections***

Claims 1-3 are objected for failing to clearly identify that which the applicant regards as the invention. The term "a first circuit board" (e.g., claim 1, ll. 8) in claims 1 and 2 is not clear because prior in the claim "a circuit board" (e.g., claim 1, ll. 4) is claimed. Are these the same or a different circuit board? Claim 3 is objected to because it inherits the deficiencies of claims 1 and 2.

Claims 1 and 3 are objected for failing to clearly identify that which the applicant regards as the invention. The term "fitting of which is compulsory" a first circuit board" (e.g., claim 1, ll. 8-9) in claim 1 is not clear as to what this comprises. Claim 3 is objected to because it inherits the deficiencies of claims 2.

Claims 2 and 3 are objected for failing to clearly identify that which the applicant regards as the invention. The term "is selectively as the circuit board" in claim 2 is not clear as to what this comprises. Claim 3 is objected to because it inherits the deficiencies of claims 2.

In short, claims 1-3 are unclear almost to the level of being indeterminate. Appropriate action is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Ha et al. (JP 2003-029649). Ha et al. (JP 2003-029649), herein after referred to as "Ha," teaches a liquid crystal display device comprising: a flat box-shaped cabinet (200) having a display member at a front side thereof and an opening at a back side thereof; a circuit board (e.g., 276) that is fitted to the cabinet (e.g, 300) or a member accommodated inside the cabinet; and a shield cover (700) capable of covering the opening of the cabinet after the circuit board is fitted, wherein either a first circuit board (400) or a second circuit board (500), a former is smaller than a latter, is selectively fitted as the circuit board, and inside the cabinet (300), there is provided a hook (e.g., left side of drawing 6) that is capable of attaching a small shield (e.g. 810) covering first circuit board, and, when the second circuit board is fitted, capable of locking the second circuit board in place. (See e.g., paragraphs 54-87 and Figs. 6-10)

It is noted that functional language in a product claim is only given patentable weight to the degree that the structure is capable of performing a given function.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The references on the attached PTO-892 teach related LCD housing inventions.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAMES P. HUGHES whose telephone number is (571)272-2474. The examiner can normally be reached on Monday - Friday 9am - 5pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frank Font can be reached on 571-272-2415. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/James P. Hughes/  
Primary Examiner, Art Unit 2883